

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Jan 28 2004
O P E S C I O N
TRADE F

In re application of: Barnes, Thomas M., et al. (as amended)
 Application No.: 10/042,431 Group No.: 1652
 Filed: October 25, 2001 Examiner: Nashed, Nashaat T.
 For: NOVEL GENES ENCODING PROTEINS HAVING DIAGNOSTIC,
 PREVENTIVE, THERAPEUTIC AND OTHER USES

Commissioner for Patents
 P.O. Box 1450
 Alexandria, VA 22313-1450

RESPONSE TO RESTRICTION REQUIREMENT

Dear Sir:

Responsive to the Restriction Requirement dated December 24, 2003, the claims of Group 25 (claims 19, 20, 22 and 28-30), drawn to a method of identifying a compound that binds to the polypeptide of SEQ ID NO's:47-52, respectively, are elected for prosecution with traverse. In order to be fully responsive, Applicants hereby elect to prosecute the claims drawn to a method of identifying a compound that binds to the polypeptide of SEQ ID NO:47, without prejudice to Applicants' right to pursue the non-elected subject matter in other applications in the event a generic claim is not found allowable

CERTIFICATION UNDER 37 C.F.R. SECTIONS 1.8(a) and 1.10*

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Applicants believe that the patentably distinct claims within the joined groups stand or fall together.

If the Examiner agrees to the proposed modification, Applicants elect the combined Groups 25 and 27. Claims readable thereon are claims 19, 20, 22 and 28-30 (now new claims 52-75), drawn to a method for identifying a compound that binds to or modulates the activity of the polypeptide of SEQ ID NOs:47 and 49.

This paper is being filed timely as no extensions of time are required. In the event any extensions of time are necessary, the undersigned hereby authorizes the requisite fees to be charged to Deposit Account No. 501668.

Entry of the remarks made herein is respectfully requested.

January 26, 2004

Respectfully submitted,

MILLENNIUM PHARMACEUTICALS, INC.

By

Mario Cloutier

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